

**BARBERING AND COSMETOLOGY EXAMINING BOARD  
MINUTES  
MONDAY, JUNE 7, 2010**

**PRESENT:** Jeannie Bush, Janice Boeck, Howard Twait, Rod Gottfredson, Jeffrey Patterson, Cheryl Pearce, Laura Ruiz and Susan Kolve-Feehan

**EXCUSED:** Tina Rettler-Pagel

**STAFF:** Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant and other DRL Staff.

**GUESTS:** Barb McCormick, Southwest Technical College; Mary Kiley; Diane Pandl, Institute of Beauty & Wellness; JoAnn Schneider, Empire Education Group; Sandy Brietzman, Department of Workforce Development; Michael Kahl; Andi Burns; Jan Studerville; Joan Kornitz; and Ted “Nova” Beschta.

**CALL TO ORDER**

Chair Jeannie Bush called the meeting to order at 9:36 a.m. A quorum of 8 members was present.

**APPROVAL OF AGENDA**

**MOTION:** Jeffrey Patterson moved, seconded by Cheryl Pearce, to adopt the Agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 3, 2010**

**MOTION:** Susan Kolve-Feehan moved, seconded by Janice Boeck, to approve the Minutes of May 3, 2010 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Yolanda McGowan introduced Secretary Jackson. Secretary Jackson reported that the Milwaukee Summit is full and we are approaching 2500 participants registered for the Madison Summit. She told the Board that there have been many complaints received by the department related to the CE requirement and the fact that the Milwaukee Summit filled so quickly. She reported that the Department is considering a third summit in Stevens Point in November. She shared a copy of the poster that had been developed to promote the summits.

Secretary Jackson referenced various letters and complaints from people who want special provisions for licensees. She asked the Board to consider a new license, “Retiree”. The Board declined to consider such a request. Ms. Bush noted that the Summits are not the only way to obtain the necessary CE. It was noted that the website has information related to other opportunities for licensees to meet the CE requirements.

Ms. McGowan reported that the Regulatory Digest is under construction.

She also briefly reviewed the case advisor policy that was included in the packet.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

## **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

No presentations were requested.

## **EDUCATION AND EXAMINATION ISSUES**

Jeannie Bush introduced Susan Le Feber, Prometric Client Services manager, who joined the meeting via telephone. She answered a list of questions that had been sent to her by Angela Arrington that had arisen at the recent town hall meeting.

The Board also discussed Continuing Education Requirements and License Lapse due to inactivity. It was noted that once the license has lapsed for 5 or more years, the licensee is required to re-test and therefore the licensee is not required to complete the CE required to renew. After much discussion, the Board determined the maximum number of CE that a licensee will need to complete should there be a lapse in their license for a period of less than 5 years.

**MOTION:** Rod Gottfredson moved, seconded by Cheryl Pearse, to require renewal applicants who fail to timely renew for a period of less than 5 years, to take 12 continuing education hours per biennium of license lapse, up to a maximum of 18 continuing education credit hours, including 2 hours of law and 4 hours of safety and sanitation taken within the biennium for which the applicant seeks to renew. Motion carried unanimously.

## **LEGISLATIVE/ADMINISTRATIVE RULES**

The Board discussed the Administrative Rules and Clearinghouse comments related to examinations for Barbers and Cosmetologists, Aestheticians, Electrologists, Manicurists and Managers. The Board made minor revisions to the draft. Pamela Hack noted that the rule will become effective by December 1 if the bill is adopted at the September Board meeting.

**MOTION:** Jeffrey Patterson moved, seconded by Sue Kolve-Feehan, to approve the draft of rule 10-014 related to examinations for Barbers and Cosmetologists, Aestheticians, Electrologists, Manicurists and Managers as presented and modified at the June 7, 2010 meeting. Motion carried unanimously.

The Board discussed the draft emergency rule related to the practice of “threading”. After much discussion, the Board decided not to adopt an emergency rule for threading at this time. The Board decided to post a FAQ or a practice question to the website to clarify the level of licensure

needed to practice threading and make sure that they are still required to comply with 454.04 in the same manner as any practice.

The Board reviewed the scope statements and placed them in the following order of priority. The Board decided to include the 4 scope statements referenced below in the work of the Sanitation Committee:

- Removing Household Bleach As A Disinfectant
- Creating A Rule Change, Amending BC 4303, to require a minimum standard for the amount of pressure to be used when sanitizing instruments during steam sterilization.
- The field of electrology presents unique concerns for sanitation and cleanliness. Creating an administrative rule relating to sanitation and safety standards for electrolysis performed in a licensed cosmetology establishment will assist in clarifying those rules uniquely addressing electrology services.
- Creating an administrative rule relating to the disinfection of foot spas within licensed cosmetology establishments. Several states, particularly California and Texas, have experienced an outbreak of severe skin infections developed after the person received pedicures involving the use of a foot spa. Public Health Department officials attribute the cause of the outbreak to the improper cleaning and maintenance of the spa.

The Board briefly discussed the scope statement related to Discrimination within the Barbering and Cosmetology professions.

**MOTION:** Howard Twait moved, seconded by Janice Boeck, to recind the December 2005 scope statement relative to changed in BC 2.03 as it relates to discrimination. Motion carried unanimously.

The Board placed the following scope statements in the priority order listed below:

- 1. Creating an administrative rule relating to practice standards for barbering and cosmetology licensees when they are performing services outside of a licensed establishment.**
- 2. Creating a rule provision clarifying that any act of fraud committed in the licensing process is misconduct which subject the perpetrator to discipline or denial of licensure.**
- 3. To modify and/or refine the provisions included in s. BC 2.025 referring to the delegation of certain medical procedures and the training and supervision of these practices, so that the rules correctly reflect the jurisdiction that the board has in governing these procedures.**

## **REGULATION/ENFORCEMENT ISSUES**

### **Forfeiture Guide – Repeat Offense**

Jeannie Bush asked that the Board members review the entire guide and bring their suggestions back to the next Board meeting for discussion.

The Board discussed the following possible changes:

- Licensees who renew within three months would not be required to pay a forfeiture.
- Licensees who fail to renew within three months would be fined \$250 for the first offense, the second offense would result in a fine of \$500 and the third offense would create a fine of \$1000.

### **Discussion Related to Working Outside of a Licensed Establishment**

Jeannie Bush asked Jeffrey Patterson to write out the protocol for practice outside of a salon setting. Susan Kolve-Feehan will provide her suggestions as well.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

It was noted that licensees have written to the Department requesting a waiver of CE to keep their license to purchase product only. A copy of those letters had previously been sent to members by e-mail.

### **Update from Sanitation Committee**

Jeffrey Patterson updated the Board on the discussion that occurred in the Sanitation Committee this morning.

### **Update from Barbering and Cosmetology Curriculum Advisory Committee**

Janice Boeck, Jeffrey Patterson and Laura Ruiz reported a great deal of time at the meeting was spent on the issue of threading.

## **PRACTICE ISSUES**

### **Eyelash Extensions**

By definition, an aesthetician can perform procedures that beautify the skin. The application of eyelash extensions, lash to lash, falls under the scope of practice of a Barber/Cosmetology license.

## **PUBLIC COMMENTS**

None.

### **CONVENE TO CLOSED SESSION**

**MOTION:** Janice Boeck moved, seconded by Cheryl Pearse, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jeannie Bush – yes; Janice Boeck – yes; Jeffrey Patterson – yes; Susan Kolve-Feehan – yes; Laura Ruiz – yes; Howard Twait – yes; Rod Gottfredsen- yes;. Motion carried unanimously.

Open Session recessed at 3:00 p.m.

### **RECONVENE IN OPEN SESSSION**

**MOTION:** Cherly Pearse moved, seconded by Rod Gottfredson, to reconvene in open session at 3:14 p.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION**

#### **MONITORING**

#### **CASE CLOSINGS**

**MOTION:** Rod Gottfredson moved, seconded by Howard Twait, to approve case closings and citations 07 BAC 279, 08 BAC 012, 08 BAC 244, 08 BAC 256 and 09 BAC 086 according to recommendations by the Division of Enforcement. Motion carried unanimously.

**MOTION:** Cheryl Pearse moved, seconded by Janice Boeck, to approve closing case 07 BAC 115 according to recommendations by the Division of Enforcement. Motion carried. Jeannie Bush and Cheryl Pearse were excused during deliberation and abstained from voting.

### **PROPOSED STIPULATIONS**

**MOTION:** Susan Kolve-Feehan moved, seconded by Jeffrey Patterson, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning Melissa G. Tucek, David C. Karas and Elements Salon (07 BAC 279), Jennifer L. Neas (08 BAC 185) and Clarence D. Nguyen and Nails World (09 BAC 093). Motion carried unanimously.

### **PROPOSED ADMINISTRATIVE WARNINGS**

**MOTION:** Howard Twait moved, seconded by Cheryl Pearce, to issue two separate Administrative Warnings in the matter of 08 BAC 020. Motion carried unanimously.

### **CONTINUING EDUCATION ISSUES**

**MOTION:** Janice Boeck moved, seconded by Rod Gottfredson, to deny the requests for continuing education waivers as requested by J.C., J.E.K., J.K. and J.R. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Cheryl Pearce moved, seconded by Rod Gottfredson, to adjourn the meeting at 3:30 p.m. Motion carried unanimously.